



**AGENDA OF THE REGULAR SESSION  
CITY OF AUBURN  
HISTORIC DESIGN REVIEW COMMISSION  
1225 LINCOLN WAY, AUBURN, CA 95603**

**September 18, 2012  
6:00 PM**

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**Historic Design Review Commissioners**

Matt Spokely, Chairman  
Bob Snyder  
Fred Vitas  
Lisa Worthington  
Alan Young  
Liz Briggs  
Cindy Combs  
Terry Green  
Linda Robinson

**City Staff**

Will Wong, Community Development Director

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF MINUTES**

None

**IV. PUBLIC COMMENT**

This is the time provided so that persons may speak to the Commission on any item not on this agenda. Please make your comments as brief as possible. The Commission cannot act on items not included on this agenda; however, the items will be automatically referred to City staff.

**V. PUBLIC HEARING ITEMS**

None

**VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS**

- A. City Council Meetings
- B. Future Historic Design Review Commission Meetings
- C. Reports

## **VII. HISTORIC DESIGN REVIEW COMMISSION REPORTS**

The purpose of these reports is to provide a forum for Historic Design Review Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

## **VIII. FUTURE HISTORIC DESIGN REVIEW COMMISSION AGENDA ITEMS**

Historic Design Review Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

- A. Request to review of HDRC Operations and Procedures (*Continued from September 4, 2012*)

## **IX. ADJOURNMENT**

Thank you for attending the meeting. The Historic Design Review Commission welcomes your interest and participation. If you want to speak on any item on the agenda, as directed by the Chair, simply go to the lectern, give your name, address, sign in and speak on the subject. Please try to keep your remarks to a maximum of five minutes, focus on the issues before the Historic Design Review Commission and try not to repeat information already given to the Commission by a prior speaker. Always speak into the microphone, as the meeting is recorded on tape. It is the policy of the Commission not to begin consideration of a project after 10:00 PM. Such projects will be continued to the next meeting.

Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Community Development Department during normal business hours.



# Memorandum

City of Auburn  
Community Development Department

**To:** Historic Design Review Commission  
**From:** Reg Murray, Senior Planner *RM*  
**Date:** September 18, 2012  
**Subject:** Historic Design Review Commission Report – Request to Review HDRC Responsibilities and Duties

*This item was briefly addressed at the September 3, 2012 HDRC hearing. The HDRC continued this item to the September 18, 2012 hearing to provide absent commissioners with an opportunity to provide comment on the item.*

Chair Spokely has informed staff that he would like to request that the Historic Design Review Commission (HDRC) put on a future agenda his request to review the Commission's responsibilities and duties.

Earlier this year the HDRC conducted its annual review of both operations and procedures as well as its priorities (see Attachment 1). The HDRC determined that its existing procedures were satisfactory and made no recommendations for change (Attachment 2).

If the HDRC wishes to revisit its discussion regarding responsibilities and duties, the Commission can direct staff to put this item on a future agenda. If the Commission disagrees with the request, then the HDRC will review its procedures as part of the next annual review in February 2013 as mandated by Section 159.495(D) (*Annual review*) of the Historic Preservation ordinance (see Attachment 3).

The powers and duties of the HDRC are identified in Section 159.496 of the ordinance.

## ATTACHMENTS

1. Memo re: HDRC Annual Review 2012
2. HDRC Minutes – February 7, 2012
3. Historic Design Review Ordinance

Ref: P:/Annual CC&PC Reporting/2012/Commissioner Report - HDRC Procedures and Priorities 9-18-12



# Memorandum

City of Auburn  
Community Development Department

**To:** Historic Design Review Commission  
**From:** Reg Murray, Senior Planner  
**Date:** February 7, 2012  
**Subject:** HDRC Annual Review 2012 – Commission Priorities and Operations & Procedures Review

## Historic Design Review Commission – Operations and Procedures Review

The City of Auburn revised the historic design review provisions of the Auburn Municipal Code in November, 2004. With the update, the City disbanded the Historic Design Review Committee and established the Historic Design Review Commission (HDRC). The update also included a provision for the HDRC to, on at least an annual basis, review its operations and procedures and make recommendations to the City Council (see Attachment 1).

Provided below is a summary of operational and/or procedural topics addressed by, or involving, the HDRC since the adoption of the new historic design review provisions in 2004:

1. 2008-2010 – The HDRC has conducted annual reviews of its priorities.
2. March 2007 – Based on City Council direction, the HDRC recommended revisions to the Historic Design Review Guidelines as they relate to materials used for signs (i.e. allowing the use of plastic/vinyl signs). City Council adopted the revisions in May 2007.
3. January 2009 – The HDRC reviewed historic colors.
4. March 2009 – The HDRC delegated to staff review authority for administrative approval associated with: all sign permits; ADA required exterior building improvements; and, exterior lighting.
5. October 2009 – Councilman Hanley and Councilman Holmes reviewed the operations of the City's various commissions, committees, and boards, including the HDRC. The report recommended no changes to the HDRC.
6. June 2010 – The City Council adopted new operating procedures for several committees and commissions; the HDRC was not included.

No formal action is required; however, if the HDRC identifies any operational/procedure issues that they believe the City Council should address, staff will forward those issues to the City Council for their consideration on February 27, 2012.

### **Historic Design Review Commission – Priorities Review**

On January 22, 2007, the Auburn City Council passed a resolution which stated that the Planning Commission would, on an annual basis in February, have the opportunity to review planning issues affecting Auburn. While the Council's resolution did not include the Historic Design Review Commission (HDRC), the HDRC has on occasion provided the City Council with informal comments regarding priorities related to historic design review. HDRC review in prior years includes:

- 2008 - Historic color palette and review of the sign ordinance.
- 2009 – Renewed interest in the sign ordinance. Also, expressed their interest in temporarily relaxing banner requirements; these banner provisions were later adopted by Council.
- 2010 – The HDRC elected not to identify any priorities.
- 2011 – The Commission did not have a discussion due to lack of hearings.

No review or action is required; however, if the HDRC identifies any priorities, staff will forward their discussion to the Auburn City Council.

The special projects list from 2011 is provided as Attachment 2, indicating the Planning Commission's priorities as well as staff's principal projects.

### **ATTACHMENT**

1. AMC Section 159.495 (HDRC Practices & Procedures)
2. CDD Special Projects List – 3/15/11

Ref: P:/Annual CC&PC Reporting/2012/HDRC Review/HDRC Procedures and Priorities Review 2012.pc report 2-7-12

**§ 159.494 HISTORIC DESIGN REVIEW COMMISSION; CREATION, MEMBERSHIP, AND TERMS OF OFFICE.**

(A) *Established.* There is hereby established a Historic Design Review Commission (HDRC).

(B) *Membership.* The Historic Design Review Commission shall consist of 9 members, including the 5 members of the Planning Commission and 4 at-large members.

(C) *Minimum qualifications: At-large members.* The at-large membership of the Commission shall consist of the following:

- (1) One architect.
- (2) One member of an historical society.
- (3) One real property owner or business owner from the Downtown Historic District.
- (4) One real property owner or business owner from the Old Town Historic District.
- (5) The representatives from the Downtown Historic District and Old Town Historic District shall be nominated by the Downtown Business Association or Old Town Business Association, respectively.

(D) *Appointment and terms of office: At-large members.* At large members shall be appointed by a majority of the Council and shall serve a 4 year period. The Council shall appoint 2 at large members to 2-year terms at the time of the initial appointment of at-large members.

(E) *Attendance.* In the event a member fails to attend a total of 3 or more HDRC meetings during a calendar year, the City Council may declare the office of the member vacant. In the event an HDRC office is declared vacant, the appointment of a successor shall be made for such unexpired term in the manner provided in this section.

(F) *Vacancies.* If the office of a member of the Historic Design Review Commission becomes vacant, the City Council shall fill the vacancy by appointing a Commission member whose term shall run the unexpired term of the former incumbent.  
(Ord. 04-8, eff. 11-15-2004)

**§ 159.495 HISTORIC DESIGN REVIEW COMMISSION; PRACTICES AND PROCEDURES.**

(A) *Quorum.* Five voting members of the Historic Design Review Commission shall constitute a quorum with a majority vote of the members present required for passage of any action item.

(B) *Officers.* The chairperson and vice-chairperson of the Planning Commission shall serve as the chair and vice-chair of the Historic Design Review Commission.

(C) *Staff.* The Community Development Department shall act as staff to the Historic Design Review Commission.

(D) *Annual review.* The Historic Design Review Commission shall, at least once per year, conduct a review of its operations and procedures, and make recommendations to the City Council for improvements thereof.  
(Ord. 04-8, eff. 11-15-2004)

**§ 159.496 HISTORIC DESIGN REVIEW COMMISSION (HDRC); POWERS AND DUTIES.**

(A) The Historic Design Review Commission shall have the following powers and duties:

(1) To adopt rules of procedure for the conduct of its business in accordance with the provisions of this subchapter;

(2) Act in an advisory capacity to the City Council in all matters pertaining to historic resources and districts;

# **COMMUNITY DEVELOPMENT DEPARTMENT - SPECIAL PROJECTS LIST** (2/7/12)

**Project**

**Comments**

<b>PLANNING COMMISSION</b>	
1	Zoning Ordinance Update*
	* Commission priority CDD preparing first Admin Draft. 3/26/07 - Sign Ord Update 3/15/11 - Include hillside development standards per BRSP 4/11/11 - Council direction to proceed with update of the sign ordinance 3/15/11 - PC supports continued monitoring of Old Town and Downtown parking and application of policy recommendations per the Walker Parking Study
2	Parking Management*
3	Trails Master Plan*
	2/5/08 - Establish a Trails Master Plan (Worthington); 2/17/09 - PC requests an ad hoc committee be established to begin working on the Plan. 3/9/09 - Council supported ad hoc committee; approach to be directed back to Council for review and approval. 3/15/11 - Commissioners Snyder & Worthington volunteered to initiate the process.
<b>HDRC</b>	
4	
	* Commission priority
<b>STAFF</b>	
5	FEP & General Plan Fee updates*
	* Staff priority Update the FEP fee and establish a fee towards the update of the General Plan
6	ARD Park Fee Analysis
	Review ARD park fee request and Nexus Study
7	HOME Grants
	Administer the following grants awarded January 2011 - a) First Time Home Buyer b) Rehabilitation Assistance
8	Housing Element Implementation
	Complete programs from the 2008-2013 Housing Element (on-going) Second Half 2012 - Initiate 2013 Housing Element Update

9	New Ordinances	a) Massage Ordinance b) Water Efficiency/Landscape Ordinance c) Wireless Facilities Ordinance d) Panhandling
10	SACOG	Coordinate with SACOG regarding Metropolitan Transportation Plan (MTP) and Regional Housing Needs Allocation (RHNA)
11	Parking Management	Update parking counts and report on the findings.
12	General Plan Implementation	Complete programs from the General Plan
13	General Plan Update	Establish process for updates to the General Plan on an element-by-element basis.
14	General Plan Land Use Map	Finalize digital update of the General Plan Land Use Map
15	School Park Preserve	Development Agreement and Park Management Plan ( <i>in process</i> ); draft copy circulated
16	Sign Enforcement	Banner and A-frame enforcement
17	CDBG Business Loan Program	

P:Annual PC&CC Reporting/2012/PC Priority Projects/CC-PC Special Projects List.2-7-12



**MINUTES OF THE  
AUBURN CITY HISTORIC DESIGN REVIEW COMMISSION MEETING  
February 7, 2012**

The regular session of the Auburn City Historic Design Review Commission meeting was called to order on February 7, 2012 at 7:43 p.m. by Chair Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

**COMMISSIONERS PRESENT:** Green, Snyder, Spokely, Worthington

**COMMISSIONERS ABSENT:** Briggs, Kidd, Vitas

**STAFF PRESENT:** Will Wong, Community Development Director  
Reg Murray, Senior Planner

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF MINUTES**

May 3, 2011 - *Approved as submitted.*

**IV. PUBLIC COMMENT**

None

**V. COMMISSION BUSINESS**

**A. HDRC ANNUAL REVIEW 2112 – COMMISSION PRIORITIES AND OPERATIONS & PROCEDURES REVIEW.**

Planner Murray presented the staff report, providing an overview of the HDRC's past priorities and discussing the Commission's opportunity to review their operations and procedures and make recommendations to the City Council.

The HDRC discussed several issues, including the lack of commissioner attendance at HDRC hearings, the purpose of Councilman Holmes inquiry about past HDRC actions, whether the HDRC should identify any priorities for the coming year; and whether the HDRC should suggest any changes to their operations and procedures.

Based on the Commission's discussion, the HDRC recommended the following:

- HDRC Operations/Procedures – The HDRC noted that their existing procedures were satisfactory and that no recommendations were necessary.

- HDRC Priorities - The HDRC expressed their appreciation of the City's streetscape project and would like to encourage other projects in the historic design review district to utilize some of these design elements when appropriate. The Commission suggested that they develop a list of recommended design elements from the streetscape project (e.g. planting materials; colors; lighting) and that the Historic Design Review Guidelines be appended to include that list.

**VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS**

- A. City Council Meetings  
None
- B. Future Historic Design Review Commission Meetings  
None
- C. Reports  
None

**VII. HISTORIC DESIGN REVIEW COMMISSION REPORTS**

None

**VIII. FUTURE HISTORIC DESIGN REVIEW COMMISSION AGENDA ITEMS**

None

**IX. ADJOURNMENT**

The meeting adjourned at 8:27 p.m.

Respectfully submitted,

Reg Murray  
Senior Planner

equipment connected therewith shall be removed from the location or premises.

(E) The Community Development Director may, in issuing permits for temporary uses, attach such conditions as are determined to be reasonably necessary in connection with the hours of operation, cleanup of the location or premises, use of lights or lighting or other means of illumination or operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises, in addition to any other conditions imposed, the Community Development Director may require the posting of a cash bond in an amount sufficient to guarantee the removal of any fixtures, equipment or stands and the cleanup of the location or premises immediately upon the expiration of any such temporary use.

(1973 Code, § 9-4.1801.6) (Ord. 91-3, eff. 3-27-1991)

#### **§ 159.478 OUTDOOR SEATING PERMIT; ISSUANCE.**

Notwithstanding any other provision contained in this subchapter, limited outdoor seating, up to a maximum of 12 seats, may be allowed in conjunction with an existing eating establishment subject to the approval by the Community Development Director of an outdoor seating permit according to the following provisions.

(A) The permit shall be issued in accordance with the provisions of § 159.475.

(B) The outdoor seating shall be described in a permit issued therefor by the Community Development Director prior to commencement. The permit shall also include all other licenses, permits or approvals otherwise required by this code.

(C) (1) The outdoor seating shall be discontinued in the event that the business it is in conjunction with closes or relocates.

(2) Any trash, chairs, benches, tables or other fixtures, appurtenances or equipment connected therewith shall be removed from the location or premises at that time.

(D) The Community Development Director may, in issuing permits for outdoor seating, attach such conditions as are determined to be reasonably necessary in connection with the hours of operation, cleanup of the location or premises, use of lights or lighting or other means of illumination, operation of any loudspeaker or sound amplification and the like in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises.

(E) Outdoor seating may be permitted within the public right-of-way if an encroachment permit is approved by the Public Works Department.

(1973 Code, § 9-4.1801.7) (Ord. 92-16, eff. 8-26-1992)

#### **§ 159.479 ENFORCEMENT.**

(A) It shall be the duty of the Building Official to enforce the provisions of this chapter pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.

(B) It shall be the duty of the Police Chief and all officers of the city charged by law with the enforcement of city laws to enforce the provisions of this chapter.

(1973 Code, § 9-4.1801) (Ord. 568, eff. - -; Am. Ord. 88-3, eff. 5-11-1988)

### **HISTORIC PRESERVATION**

#### **§ 159.490 TITLE.**

This subchapter of the Auburn Municipal Code shall be known as the Historic Preservation Ordinance of the City of Auburn.

(Ord. 04-8, eff. 11-15-2004)

**§ 159.491 PURPOSE.**

WHEREAS the people of Auburn, by and through their City Council, have determined that:

(A) The recognition, maintenance and enhancement of the cultural historic resources within the City of Auburn is in the best interests of the citizens of Auburn and that those resources have value as living parts of the community;

(B) The City of Auburn, in recognition of the intention and provisions of the National Historic Preservation Act of 1966, as amended, joins with private individuals, businesses and groups, the State of California and the United State Congress to develop preservation programs and activities to encourage and promote the maintenance, restoration, renovation and preservation of Auburn's unique architectural, historic, aesthetic and cultural heritage;

(C) THEREFORE, the purpose of this subchapter is to promote the general health, safety and welfare of the public through:

(1) The protection, enhancement, preservation and use of the diverse structures, areas and sites in Auburn, which represent past eras, events and persons important in history, or which provide significant examples of architectural styles of the past, or are landmarks in architectural history, or which constitute unique and irreplaceable assets to Auburn and its neighborhoods, or which provide this and future generations examples of the physical surroundings in which prior generations have lived;

(2) The development and maintenance of complementary settings and environment for said structures and/or districts;

(3) The enhancement of property values, the stabilization of neighborhoods and areas within Auburn, the increase of economic benefits to Auburn and its property owners and residents, and the promotion of visitor trade and interest;

(4) The preservation and encouragement of a city of varied architectural styles reflecting the cultural, social, economic, political history of Auburn;

(5) The educational and cultural enrichment of this and future generations by fostering knowledge of our heritage, and;

(6) The promotion and encouragement of continued private ownership and use of such structures so that the objectives set forth in this subchapter may be attained.

(Ord. 04-8, eff. 11-15-2004)

**§ 159.492 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning

**ALTERATION.** Any exterior change or modification, through public or private action, of any historic resource or of any property located within an historic district which involves exterior changes to or modification of a structure, its surface texture, or its architectural details; new construction; demolition; relocation of structures onto, off of, or within a designated property; or other changes to the site affecting the significant historical or architectural features of the property.

**AUBURN REGISTER OF HISTORIC BUILDINGS AND PLACES.** An official listing of sites, areas, buildings and structures within the city designated by the City Council as having special historical significance.

**DEPARTMENT.** The Community Development Department.

**DESIGN GUIDELINES.** The Historic Preservation Architectural Design Guidelines.

**DIRECTOR.** The Community Development Director.

**HISTORIC DESIGN REVIEW.** The city review process for development requests associated with property located within the Historic Design Review District or for properties that are designated as a historic resource.

**HISTORIC DESIGN REVIEW COMMISSION.** The approving authority for projects located within the Historic Design Review District.

**HISTORIC DESIGN REVIEW DISTRICT.** The design review district that includes the Downtown Design Review District, the Old Town Design Review District, and properties designated as a historic resource.

**HISTORIC DESIGN REVIEW PERMIT.** A Design Review Permit issued for properties located within the Historic Design Review District.

**HISTORIC RESOURCE.** Buildings, structures, signs, features, sites, places, areas, or other improvements of scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to citizens of the city and designated as such by the City Council pursuant to the provisions of this subchapter.

**HISTORIC RESOURCES SURVEY.** A survey prepared in 1986 which identified and documented those structures, objects, and sites which were in existence prior to 1941 and which evaluated them for architectural, historical, and/or cultural significance according to the guidelines set forth for inclusion in the National Register of Historic Places.

**MINOR ALTERATION.** An alteration that is not readily noticeable from the street and will not alter the character or essential architectural details of the structure.

**ORDINARY MAINTENANCE AND REPAIR.** Any work where the purpose and effect of such work is to prevent or correct any deterioration of or damage to a structure or any part thereof and to restore the structure or part thereof to its condition prior to the occurrence of such deterioration or damage.

**PRESERVATION EASEMENT.** A legal instrument recorded against a parcel or parcels of real property that limits the property owner's ability to alter, change, modify, destroy, or in any way threaten the cultural and/or historic value of a historic resource, without consultation and authorization of the agency to whom the easement has been assigned. Once imposed, such an easement "runs with the land" thereby requiring current and future property owners to abide by its terms.

**STATE HISTORICAL BUILDING CODE (SHBC).** The State Historical Building Code contained in Part 8 of Title 24 (State Building Standards Code) and applies to all qualified historic structures, districts and sites, designated under federal, state, or local authority.  
(Ord. 04-8, eff. 11-15-2004)

#### **§ 159.493 HISTORIC DESIGN REVIEW DISTRICT: DESIGNATION.**

(A) The Historic Design Review District shall be identified on a map, attached as an exhibit hereto and maintained on file in the office of the Community Development Department and incorporated herein by reference.

(B) The District map may be amended by resolution of Council.

(C) The District may be amended to include any such individual site, improvement or structures as may be added, from time to time, as a result of the granted application by a property owner for designation of that property as a Historic Resource (HR).

(D) The requirements of this subchapter shall be mandatory for all properties within the District.  
(Ord. 04-8, eff. 11-15-2004)

**§ 159.494 HISTORIC DESIGN REVIEW COMMISSION; CREATION, MEMBERSHIP, AND TERMS OF OFFICE.**

(A) *Established.* There is hereby established a Historic Design Review Commission (HDRC).

(B) *Membership.* The Historic Design Review Commission shall consist of 9 members, including the 5 members of the Planning Commission and 4 at-large members.

(C) *Minimum qualifications: At-large members.* The at-large membership of the Commission shall consist of the following:

- (1) One architect.
- (2) One member of an historical society.
- (3) One real property owner or business owner from the Downtown Historic District.
- (4) One real property owner or business owner from the Old Town Historic District.
- (5) The representatives from the Downtown Historic District and Old Town Historic District shall be nominated by the Downtown Business Association or Old Town Business Association, respectively.

(D) *Appointment and terms of office: At-large members.* At large members shall be appointed by a majority of the Council and shall serve a 4 year period. The Council shall appoint 2 at large members to 2-year terms at the time of the initial appointment of at-large members.

(E) *Attendance.* In the event a member fails to attend a total of 3 or more HDRC meetings during a calendar year, the City Council may declare the office of the member vacant. In the event an HDRC office is declared vacant, the appointment of a successor shall be made for such unexpired term in the manner provided in this section.

(F) *Vacancies.* If the office of a member of the Historic Design Review Commission becomes vacant, the City Council shall fill the vacancy by appointing a Commission member whose term shall run the unexpired term of the former incumbent.  
(Ord. 04-8, eff. 11-15-2004)

**§ 159.495 HISTORIC DESIGN REVIEW COMMISSION; PRACTICES AND PROCEDURES.**

(A) *Quorum.* Five voting members of the Historic Design Review Commission shall constitute a quorum with a majority vote of the members present required for passage of any action item.

(B) *Officers.* The chairperson and vice-chairperson of the Planning Commission shall serve as the chair and vice-chair of the Historic Design Review Commission.

(C) *Staff:* The Community Development Department shall act as staff to the Historic Design Review Commission.

(D) *Annual review.* The Historic Design Review Commission shall, at least once per year, conduct a review of its operations and procedures, and make recommendations to the City Council for improvements thereof.  
(Ord. 04-8, eff. 11-15-2004)

**§ 159.496 HISTORIC DESIGN REVIEW COMMISSION (HDRC); POWERS AND DUTIES.**

(A) The Historic Design Review Commission shall have the following powers and duties:

(1) To adopt rules of procedure for the conduct of its business in accordance with the provisions of this subchapter;

(2) Act in an advisory capacity to the City Council in all matters pertaining to historic resources and districts;

(3) Develop and maintain criteria for the nomination and designation of structures, improvements, or sites as historic resources. Such resources shall be separate and apart from the Historic Design Review District but shall be subject to the provisions of the district;

(4) Approve, conditionally approve, or deny Historic Design Review Permits in accordance with the provisions of this subchapter and the requirements of Chapter 157;

(5) Render advice and guidance, upon request of the owner or occupant of the property, on the restoration, alteration, decoration, landscaping or maintenance of any cultural resource including landmarks, sites, districts or neighboring properties within public view;

(6) Encourage and render advice and guidance to property owners or occupants on procedures for inclusion of a cultural resource on the local, State, or Federal level;

(7) Recommend to the City Council, from time to time or as events warrant, recognition of owners or occupants of structures, improvements or sites by means of certificates, plaques, markers or commendations who have restored, renovated and/or maintained their property in an exemplary manner;

(8) Establish guidelines for the declaration of historical buildings and structures within the city and designate all such buildings and structures as having special historical significance in a separate register of historical buildings (such as the Auburn Register of Historic Buildings);

(9) Investigate and make recommendations to the City Council on the availability and use of funding which is or may become available from various federal, state, local or private sources to promote and undertake preservation of districts, structures, improvements or sites of historical value to Auburn; and

(10) Provide local owners of diverse structures, buildings, areas, and sites with the benefits and responsibilities of inclusion in local, State, or Federal registries of historic properties.

(B) Upon authorization by the Auburn City Council, the Historic Design Review Commission shall have the following powers and duties:

(1) Publicize and update the City of Auburn Historic Resources Survey previously prepared in the City of Auburn;

(2) Review and comment upon the conduct of land use, housing and redevelopment, municipal improvement, and other types of planning and programs undertaken by any agency of the City of Auburn, County of Placer or State of California as they relate to the historic resources of Auburn;

(3) Make recommendations to the City Council for the purchase of property, in fee or less than fee, easements, or other mechanisms for preservation of cultural heritage resources;

(4) May participate in, promote and conduct public information, educational and interpretive programs pertaining to preservation of cultural resources; and

(5) Undertake any other action or activity delegated to it by the City Council or by this subchapter, necessary or appropriate to the implementation of its powers or duties to fulfill the objectives of cultural resource preservation.  
(Ord. 04-8, eff. 11-15-2004)

#### **§ 159.497 HISTORIC DESIGN REVIEW PERMIT (HDRP).**

(A) Except as otherwise specified in this section, a Historic Design Review Permit shall be processed per the requirements of §§ 159.114 through 159.125.

(B) Application submittal. An application for a Historic Design Review Permit shall be made on a

form provided by the Community Development Department and shall be accompanied by the fees established by resolution of the City Council. The application shall include all information as prescribed on the form provided by the Department.

(C) Historic design review. Projects located within the Historic Design Review District, or properties situated outside the district that have been designated a historic resource, shall be subject to historic design review as required by this subchapter.

(1) *Historic Design Review Permit (HDRP) required.* A Historic Design Review Permit shall be required for the following types of projects:

(a) Construction of all new commercial, office, industrial, and multi-family residential buildings or structures.

(b) Alterations, remodeling, or additions to existing structures.

(c) Replacement of building materials with different materials (including re-roofing of buildings).

(d) Painting of buildings if the color(s) used are not similar to the existing colors.

(e) Sign permits.

(f) Modifications to existing Historic Design Review Permits.

(2) *Administrative approval.* The Director may approve, conditionally approve, or deny the following types of projects:

(a) Minor modifications to existing site improvements (such as parking lot re-striping).

(b) Exterior painting on buildings and/or structures if the color(s) are the similar to the existing color(s).

(c) Replacement of building materials with the same materials (including re-roofing of buildings).

(d) Sidewalk replacement.

(e) Landscaping.

(f) Temporary signage for special events.

(g) Projects as delegated by the Planning Commission.

(3) *Exemptions.* The following types of projects are exempt from the design review process:

(a) Ordinary maintenance and repair.

(b) Single-family residential buildings or structures.

(D) Reviewing authority.

(1) *Historic Design Review Commission.* The reviewing authority for Historic Design Review Permit applications shall be the Historic Design Review Commission.

(2) *Administrative approval.* The Director may issue permits for those administrative approval items identified in division (C)(2) above. The Director may, however, refer requests to the Historic Design Review Commission for consideration, when, in the Director's opinion, review and approval is warranted: The permit shall be referred to the Historic Design Review Commission within 30 days after deeming the application as complete. When applicable, the applicant shall provide additional information as required by § 159.116(A).

(E) Application evaluation criteria. The approving authority shall review and approve, conditionally approve, or deny applications in accordance with the provisions of this chapter and all applicable design guidelines as specified in § 159.498.



## Zoning

(F) Appeals. Appeals may be taken pursuant to Chapter 162 of this Municipal Code.

(G) Expiration. Expiration of a Historic Design Review Permit shall be subject to the provisions of § 159.118.

(H) Extension. Extension of a Historic Design Review Permit shall be subject to the provisions of § 159.120.

(I) Modifications. Modification of a Historic Design Review Permit shall be subject to the provisions of § 159.121.

(J) Building Permit. Prior to issuance of a building permit for any structure, improvement, or building proposed as part of an approved Historic Design Review Permit, the Community Development Department shall provide written approval to the Building Official certifying that the proposed improvements are in conformity with the approved permit. Before a building permit may be issued for any structure, improvement, or building proposed as part of the approved Historic Design Review Permit, the Building Official shall secure written approval from the Community Development Department that the proposed improvements are in conformity with an approved permit.

(K) Occupancy Permit. Before a building, improvement or structure may be occupied or finished, the Community Development Department shall notify the Building Official that the site and/or such building improvement or structure thereon have been developed in conformity with the approved Historic Design Review permit.

(L) (1) Violation/Revocation with permit. Should the holder of a Historic Design Review Permit violate any provision of this subchapter or any condition of approval of the permit, the permit shall be automatically suspended. The Community Development Department shall provide the holder of the permit with written notice of the suspension, which notice shall identify the reasons for the suspension and may instruct the holder of the permit

to immediately terminate any and all activities including, without limitation, construction, restoration or renovation work being performed pursuant to permit.

(2) Within 60 days of the suspension of permit, the Historic Design Review Commission shall hold a hearing and receive evidence as to whether the permit should be reinstated, revoked or additional conditions or restrictions be placed on the permit, and other actions taken by the holder to ensure compliance with the provisions of the permit and this subchapter.

(M) Violation without permit. When improvements are commenced or made or installed on a building, improvement or structure in the Historic Design Review District without the prior issuance of an Historic Design Review Permit, the owner of the site and/or occupant of the building shall be required to cease and desist all such work and (depending on which person(s) undertook the un-permitted work) shall be subject to completing the application process and a penalty fee of double the standard process fee, and in the event such permit is denied, shall be responsible for returning the building, improvement or structure to its state prior to any such work having been commenced, or, if such state cannot be achieved, to as near its pre-existing state as reasonably possible. (Ord. 04-8, eff. 11-15-2004; Am. Ord. 09-02, 4-8-2009)

### § 159.498 DESIGN CRITERIA: PURPOSE.

The purpose of the design criteria is to implement the design guidelines set forth in the Historic Preservation Architectural Design Guidelines, adopted by resolution of Council and incorporated herein. The criteria are intended to be flexible guidelines, rather than rigid rules, in order to provide applicants and approving authority with the ability to use new techniques and materials as they become available and where their use is appropriate, on a case by case basis.

(A) The design criteria shall be used for the preservation and enhancement of historical and architectural sites, structures and improvements.

through the renovation, restoration or maintenance of those sites, structures and improvements. The restoration of a structure to its exact former appearance shall be encouraged, but not required.

(B) If a structure or improvement is not deemed to be a historical, architectural or aesthetic contributor to the Historic Design Review District, but is at least 50 years old, the application of the design criteria shall be used to insure that modifications or alterations to that structure or improvement do not increase its "non-contributory" character. The design criteria shall be applied to applications for such structures or improvements in order to encourage the renovation, restoration or maintenance of such structures, and to minimize their non-contributory nature and become "contributing" to the District.

(C) If a structure or improvement was built less than 50 years ago, the application of the design criteria shall be used to insure that modifications or alterations to that structure or improvement do not increase its "non-contributory" character, but rather to blend in with or become more compatible with the surrounding structures or improvements.

(D) The design criteria shall be applied to new construction to achieve design and usage which is compatible and in harmony with the surrounding structures in the District.

(Ord. 04-8, eff. 11-15-2004)

#### **§ 159.499 DECLARATION OF HISTORIC BUILDINGS AND PLACES.**

The Council may, by resolution, establish guidelines for the declaration of historical sites, areas, buildings and structures within the city and designate all such locations and structures as having special historical significance in a separate register of historical buildings (such as the Auburn Register of Historic Buildings and Places) to be maintained by the Community Development Department. All sites, areas, buildings or structures on the register shall be subject to the requirements of this chapter.

(Ord. 04-8, eff. 11-15-2004)

#### **§ 159.500 USE OF STATE HISTORICAL BUILDING CODE.**

The California State Historical Building Code provides alternative regulations for the rehabilitation, preservation, restoration or relocation of structures designated as cultural resources. The State Historical Building Code may be used, at the Building Official's discretion, for any designated cultural resource in Auburn's building permit procedure.

(Ord. 04-8, eff. 11-15-2004)

#### **§ 159.501 ADOPTION OF UNIFORM CODE FOR BUILDING CONSERVATION.**

For purposes of protecting the public health and welfare and establishing rules and regulations for the conservation of historical buildings in the city; that certain Code designated as the "Uniform Code for Building Conservation," current edition as adopted by the International Conference of Building Officials and as approved by the State of California Historic Building Code Board, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to any amendments, additions, and deletions set forth in this chapter. Said Code shall be known as the Code for Building Conservation of this city.

(Ord. 04-8, eff. 11-15-2004)

#### **§ 159.502 PRESERVATION EASEMENTS.**

Preservation easements may be acquired by the City of Auburn or an appropriate non-profit group through purchase, donation, or condemnation pursuant to California Civil Code Section 815. Preservation easements may be applied to sites, facades of buildings, or the acquisition of property deemed valuable as a cultural/historic resource.

(Ord. 04-8, eff. 11-15-2004)

### **§ 159.503 DEMOLITION OF HISTORIC STRUCTURES.**

(A) Any demolition of a structure which contributes historically to the District (either in whole or in part) is prohibited absent written notice to the Historic Design Review Commission. Said notice shall be provided via first class mail, with return receipt requested, at least 180 days in advance of the proposed event. Subject to the provisions of division (B), below, no application to the City of Auburn for a demolition permit shall be accepted, or permit issued, during the 180 day period. Following receipt of such notice, the Historic Design Review Commission may undertake the following steps in order to preserve the structure, improvement or site involved, including:

(1) Seek private parties which may be interested in purchasing the subject property, or other funding sources for purchase of the property for rehabilitation or restoration purposes;

(2) With the property owner's consent, publicize the availability of the property for purchase for rehabilitation or restoration purposes;

(3) Investigate possible sites for the relocation of the structure;

(4) Make recommendations to the City Council regarding the acquisition of the property, land exchanges, development rights or facade easements and the imposition or negotiation of other restrictions for the preservation of the structure.

(B) Upon receipt of notice, the Historic Design Review Commission may waive the 180 day requirement if the action planned for the property involves:

(1) An emergency repair to, or removal of an unsafe condition on, the structure, improvement or site;

(2) The relocation of the structure to a site approved by the Historic Design Review Commission, or;

(3) Relief from extreme financial hardship to the owner of the property.

(C) The 180-day requirement may be reduced to 90 days following a duly noticed public hearing by the Historic Design Review Commission if the Commission finds that the 180-day requirement materially impairs the ability of the owner to develop or sell the property upon which the structure is situated.

(D) Request for relief by waiver received no later than 15 calendar days before the next regularly scheduled meeting of the Historic Design Review Commission shall be considered at that next regularly scheduled meeting, however, requests for relief by waiver received within the 15 day period shall be considered by the Historic Design Review Commission within 30 days.  
(Ord. 04-8, eff. 11-15-2004)

### **§ 159.504 SUBSTANDARD OR DANGEROUS CONDITIONS.**

Should the Building Official or Fire Chief determine that any structure, improvement or site within the Historic Design Review District constitutes a public hazard due to a substandard or dangerous condition of the property, said official shall notify the Historic Design Review Commission in writing. Upon receipt of such notice, the Commission shall evaluate the historic and architectural merit of the structure and provide recommendations to the Building Official within 60 days of the date such notice is received.  
(Ord. 04-8, eff. 11-15-2004)

### **§ 159.505 ORDINARY MAINTENANCE AND REPAIRS OF PROPERTY.**

Nothing in this subchapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature or detail in or on any property subject to this subchapter which does not involve a change in the design, materials, color or external appearance thereof, nor shall this subchapter

prevent the construction, reconstruction, alteration, renovation, restoration, demolition or removal of any such feature when the Building Official certifies to the Historic Design Review Commission that such action is required for public safety due to an unsafe or dangerous condition which cannot be rectified through use of the Historical Building Code of the State of California.

(Ord. 04-8, eff. 11-15-2004)

#### **§ 159.506 EVIDENCE OF HARDSHIP FOR EXEMPTIONS/WAIVERS.**

(A) The Historic Design Review Commission may approve an application for a permit to carry out any proposed work in the Historic Design Review District, or on a historic site, structure or improvement, if the applicant presents clear and convincing evidence of facts demonstrating to the satisfaction of the Commission that: 1) denial of the application will work immediate and substantial hardship on the economic value of the property because of the conditions peculiar to the particular structure, improvement or site or other feature involved; 2) all reasonable use of or return from the property will be denied the owner, and 3) the approval of the application will be consistent with the purposes of this subchapter. If a hardship is found to exist under this section, the Historic Design Review Commission shall make written findings within 30 days of the application as to the specific supporting facts and conclusion based thereon.

(B) An application for exemption or waiver based upon economic hardship shall be based upon an analysis of the following factors:

(1) Denial of the application will diminish the value of the subject property so as to leave substantially no value;

(2) Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in the District;

(3) An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical;

(4) Rental at a reasonable rate of return is not feasible;

(5) Denial of the application would damage the owner's economic value of the property unreasonably in comparison to the benefit conferred on the community, and;

(6) All means involving city sponsored incentives, such as tax abatements, financial assistance, building code modifications, changes in the zoning ordinance, loans, grants and reimbursements, have been explored to relieve possible economic disincentives.

(C) The Historic Design Review Commission is authorized to require the applicant to furnish documentary material evidence supporting the application.

(D) The Historic Design Review Commission and city shall have a period to make recommendation and develop and adopt a plan in order to relieve applicant's economic hardship, not to exceed 90 days to allow the applicant a reasonable use of, and economic return from, the property or otherwise act to preserve the subject property. If, at the end of this 90-day period, the Historic Design Review Commission finds that without approval of the application, that the property cannot be put to a use providing a reasonable economic return to the applicant, the Historic Design Review Commission shall approve the application for waiver. If the Historic Design Review Commission finds otherwise, it shall notify the applicant in writing within 10 days, sent by mail with return receipt requested, of the final denial. The application shall be deemed approved if the Historic Design Review Commission fails to make any finding by the end of the 90-day period, unless said deadline is extended with the prior written agreement of the applicant.

## Zoning

(E) If the approval of the application will result in the demolition of a nominated or designated historic resource, the applicant shall provide the Historic Design Review Commission documentation of the resource proposed for demolition to the standards of the Historic American Building Survey, which may include photographs, floor plans, measured drawings, archeological survey or other documentation stipulated by the Commission.

(F) Appeal. An applicant may appeal denial of a hardship waiver to the City Council pursuant to Chapter 162 of this Municipal Code. Such appeal shall waive the 90-day time limit set forth in this section for purposes of the hearing and issuance of a decision on the appeal, which shall be controlled by Chapter 162 of this Municipal Code.  
(Ord. 04-8, eff. 11-15-2004; Am. Ord. 09-02, eff. 4-8-2009)

### § 159.507 PRESERVATION INCENTIVES.

The city may authorize incentives for properties within the Historic Design Review District in order to more effectively achieve the purposes of this subchapter, and to support the preservation, maintenance, and appropriate rehabilitation of resources within the District. Preservation incentives shall be considered on a case-by-case basis and may include economic assistance, relaxation of otherwise applicable development standards, or use restrictions. Incentive programs shall be approved by City Council. Incentives associated with development standards or use restrictions shall be approved by the HDRC. Incentives shall be reviewed by City Council annually.  
(Ord. 04-8, eff. 11-15-2004)

### § 159.999 PENALTY.

(A) Any person, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and,

upon conviction thereof, shall be punishable as forth in § 10.99.

(1973 Code, § 9-4.1803)

(B) Any building or structure set up, erected, constructed, altered, enlarged, converted, move maintained contrary to the provisions of this chapter and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this chapter shall be is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon an order of the Council, immediately commence an action in proceedings for the abatement, removal or enjoinder thereof in the manner provided by law shall take such other steps and shall apply to the courts as may have jurisdiction to grant the relief will abate and remove the building or structure restrain and enjoin any person from setting erecting, building, maintaining or using any building or structure or using any property contrary to the provisions of this chapter.

(1973 Code, § 9-4.1804)

(Ord. 558, eff. - -)

(C) (1) It shall be the duty of the Community Development Director to enforce all of the provisions of §§ 159.185 *et seq.*

(a) Any person, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of §§ 159.185 *et seq.* shall be deemed guilty of an infraction under the provisions of this code and shall be punishable upon a first conviction of a violation fee as set by Council resolution, as may be amended from time to time, on file in the office of City Clerk and incorporated in this section by reference.

(b) The sign violation fee shall include a penalty for a second violation and subsequent conviction within a 1-year period.

(2) Any violations of §§ 159.185 *et seq.* beyond the second conviction within a 1-year period

are chargeable as a misdemeanor and, upon conviction thereof, shall be punishable as set forth in § 10.99. (1973 Code, § 9-4.1012) (Ord. 786, eff. 6-8-1983; Am. Ord. 88-3, eff. 5-11-1988; Am. Ord. 89-11, eff. 6-7-1989)

(D) Each violation of §§ 159.140 *et seq.* or of any regulation, order or ruling promulgated under §§ 159.140 *et seq.* shall constitute a misdemeanor and be punishable by a fine of not more than \$500, or by imprisonment for not more than 180 days, or both, and each day a violation continues to exist shall constitute a separate offense. (1973 Code, § 9-4.1903) (Ord. 757, eff. 10-8-1980)